

## **REMARKS**

### **Claim Rejections and Objections**

Claims 1-8, 12, 14-16, and 18-27, and 29 stand rejected under 35 U.S.C. 103(a) as unpatentable over the combination of U.S. Patent No. 5,470,079 (LeStrange); U.S. Patent Publication No. US2002/0152120A1 (Howington); U.S. Patent Publication No. 2002/0183105A1, now issued as U.S. Patent No. 6,652,378 (Cannon); and U.S. Patent Publication No. US2003/0069071A1 (Britt).

Claim 30 stands rejected under 35 U.S.C. 103(a) as unpatentable over the combination of LeStrange; Cannon; Howington; Brit; U.S. Patent No. 5,759,103 (Freels); and U.S. Patent Pub. No. 2002/0187834 (Rowe).

Claims 16 and 18-27 are rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter.

Claim 29 is objected to because of an informality.

### **Claim Amendments**

The independent claims are amended to further patentably distinguish over the cited references. The claim amendments are supported in the application as filed, for example in Figures 21A-23B and paragraphs [0154]-[0160] of the published application.

Claim 29 is also amended to eliminate the informality.

### **Rejection Under 35 U.S.C. § 101**

Applicants respectfully disagree that the claims 16 and 18-27 are directed to nonstatutory subject matter. However, in order to expedite prosecution, claim 16 is amended as suggested by the Examiner. Accordingly, it is respectfully requested that the rejection of claims 16 and 18-27 under 35 U.S.C. § 101 be withdrawn.

### **The Cited References**

LeStrange discloses a game machine accounting and monitoring system which includes a game monitoring unit 16, a computer network interface 18 and a central or host computer system 20. (Col. 5, lines 6-9). The accounting system can support accounting of multiple games within a single gaming machine. (Col. 11, lines 59-62). As such, when a game change event 45 occurs, the game monitoring unit 16 transmits a game change message to the host computer 20. The meter data that accompanies that message represents the last meter values for the previous game.

(Col. 12, lines 17-20).

Howington discloses a casino resort management system that provides a location identifier for each location within a casino, a placard identifier for each placard and a machine identifier for each gaming machine. (§006). A placard indicates the machine brand, model and the denomination that a machine accepts (i.e., quarters or nickels). (§004). As shown in FIG. 2, the placard identifier includes a placard number “042052” used to denote a machine code, for example, “04”, that indicates a quarter slot machine, and a machine number “2052” that identifies a single machine with this particular denomination. (§0026). This system maintains and tracks machine and location history in a manner which allows for the changing of machine placards without losing historical machine or location information. (§0028). The system includes a sample system display 400 which displays, among other things, the location identifier, the placard identifier and the denomination for a particular machine. (§0029). The individual machines are not configured to operate with multiple denominations or games of different types. (FIGS 2 and 4, §004, §0026, and §0029).

Britt discloses an entertainment monitoring system 100 and method 200 for use in a gaming environment. The entertainment monitoring system includes a plurality of electronic gaming machines 102. (§0087). The hold percent, point and comp point ratios, and General Ledger account numbers associated with a slot machine may be set up in a games tab of a games window of an entertainment monitoring system. (§ [0244]). If a slot machine plays more than one game, there will be a record for each game in the list of games. (§ [0244]).

Cannon discloses gaming machines and systems offering simultaneous play of multiple games and methods of gaming. A gaming machine is disclosed which is configured for mutually concurrent play of a plurality of games of chance on a single display screen. (Abstract).

Freels discloses an apparatus for collecting and processing payout vouchers from video slot machines. (Col. 2, lines 47-50).

Rowe discloses a system for monitoring game play. A host stores and transmits game play data. (Abstract).

### **Applicants’ Claimed Invention Would Not Have Been Obvious**

The following factual inquiries must be considered in any obviousness evaluation: the scope and content of the prior art, the differences between the claimed invention and the prior art, the level of ordinary skill in the pertinent art and evidence of any secondary considerations. To establish a *prima facie* case of obviousness, it is axiomatic that the prior art, either alone or in combination, must disclose each and every element of the claimed invention. As stated in the

M.P.E.P., “[t]o reject a claim. . . Office personnel must articulate the following: (1) a finding that the prior art included each element claimed, although not necessarily in a single prior art reference, with the only difference between the claimed invention and the prior art being the lack of actual combination of the elements in a single prior art reference.” M.P.E.P. §2143A.

Moreover, “[t]he rationale to support a conclusion that the claim would have been obvious is that all claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination yielded nothing more than predictable results to one of ordinary skill in the art.” *Id.* Also, some articulated reasoning with rational underpinnings must be provided to support a *prima facie* case of obviousness.

Claim 1, for example, calls for a receiver configured to collect first and second meter information from a unique combination of a game, a program, and a denomination. Claim 1 recites a calculator structured to generate additional information “including at least a first comparison of financial performance of different wager denominations for a given game at the game unit,” and “a second comparison of financial performance of different games within a given game type at the game unit.” Claim 1 has been amended to state that the first comparison is “displayed in a first table that includes information about each of the different wager denominations for the given game at the game unit” and that the second comparison is “displayed in a second table that includes financial performance information about each of the different games within the given game type at the game unit.” The cited references, considered alone or in combination, fail to disclose or suggest any such features.

In the previous response, it was argued that LeStrange, Howington, and Cannon fail to disclose or suggest generating comparisons of financial performance as recited in claim 1. The Office Action acknowledges that LeStrange fails to disclose or suggest generating comparisons of financial performance. (Page 8, lines 7-9). The Examiner apparently also agrees that Howington and Cannon fail to disclose or suggest these features as well, since Britt is now cited as allegedly disclosing generating comparisons of financial performance. (Office Action, page 8, lines 9-19).

However, the passages of Britt cited in the Office Action describe information concerning only a single game configuration at a time. For example, Britt states:

The games window 2801 is used to set up the hold percent, point and comp point ratios, and General Ledger account numbers associated with a slot device (machine). If a slot device plays more than one game, each game is listed on a list 2804.

(¶ [0244]).

A comparison involves an examination of two or more items.<sup>1</sup> Since information regarding only one configuration at a time is displayed in the user interface shown in Britt (Figure 28), Britt fails to disclose or suggest a calculator structured to generate first and second comparisons of financial performance.

However, in order to expedite prosecution, claim 1 has been amended to state that the first comparison is “displayed in a first table that includes information about each of the different wager denominations for the given game at the game unit” and that the second comparison is “displayed in a second table that includes financial performance information about each of the different games within the given game type at the game unit.” Britt fails to disclose or suggest any such tables.

Accordingly, the cited references fail to disclose or suggest “a calculator structured to generate additional information from the collected information for the unique combinations in the single game unit, including at least: a first comparison of financial performance of different wager denominations for a given game at the game unit, the first comparison displayed in a first table that includes information about each of the different wager denominations for the given game at the game unit, and a second comparison of financial performance of different games within a given game type at the game unit, the second comparison displayed in a second table that includes financial performance information about each of the different games within the given game type at the game unit,” as recited in claim 1.

Since claim 1 recites features not disclosed or suggested in any of the cited references, considered alone or in combination, claim 1 would not have been obvious in view of the cited references. Independent claims 16 and 29 recite features similar to those recited in claim 1. Therefore, claims 16 and 29 would not have been obvious for at least the same reasons as claim 1. The dependent claims include, by virtue of their dependency, the features of the independent claims on which they are based. Thus, the dependent claims would not have been obvious for at least the same reasons as their respective independent claims.

Therefore, it is respectfully requested that the rejection of claims 1-8, 12, 14-16, 18-27, 29, and 30 under 35 U.S.C. § 103(a) be withdrawn.

## **Conclusion**

In view of the foregoing, it is respectfully submitted that all the claims are now in

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<sup>1</sup> Definition of “comparison,” Merriam-Webster Dictionary, *available at* <http://www.merriam-webster.com/dictionary/comparison>.

condition for allowance. Accordingly, allowance of the claims at the earliest possible date is requested.

If prosecution of this application can be assisted by telephone, the Examiner is requested to call Applicants' undersigned attorney at (510) 663-1100.

If any fees are due in connection with the filing of this amendment (including any fees due for an extension of time), such fees may be charged to Deposit Account No. 504480 (Order No. IGT1P312).

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